

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-009759

06/20/2016

HON. SAM J. MYERS

CLERK OF THE COURT
A. Gonzalez
Deputy

STATE OF ARIZONA

GREGORY MICHAEL HAZARD

v.

CHRISTOPHER ALLEN HARGRAVE (B)

JULIE S HALL

CAPITAL CASE MANAGER
COURT ADMIN-CRIMINAL-PCR
VICTIM WITNESS DIV-AG-CCC
STATIA PEAKHEART
ATTORNEY AT LAW
PO BOX 531967
LOS ANGELES CA 90053

RULING / CAPITAL CASE PCR

The Court has reviewed and considered the defendant's Motion for Order Directing Maricopa County Attorney's Office to Provide (1) an Update on the Status of the County Attorney's File Material; and (2) Counsel with a Non-disclosure/Redaction Index; and Exhibits filed 5/9/2016, the Maricopa County Attorney's response filed 5/27/2016 and the defendant's reply filed 6/2/2016. The Court does not require oral argument to decide the issue.

The defendant seeks an order directing that the Maricopa County Attorney's Office ("MCAO") provide certain information and documentation relating to "a Public Records Act letter-request for 'all records related to Christopher A. Hargrave,' and/or Steve A. Boggs, Hargrave's co-defendant." Motion at 1. MCAO responds that "the main issue that remains to be resolved is whether the MCAO is required to produce an index of records pursuant to A.R.S. § 39-121.01(D)(2)." Response at 2.

THE COURT FINDS that the pleadings filed by both the defendant and the MCAO reveal that this is a public records request.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-009759

06/20/2016

THE COURT FURTHER FINDS that a public records request is governed by the Public Records statute, A.R.S. § 39-121.

THE COURT FINDS that the Public Records statute itself provides a remedy to “any person who has requested to examine or copy public records” and who has been denied access:

Any person who has requested to examine or copy public records pursuant to this article, and who has been denied access to or the right to copy such records, may appeal the denial through a special action in the superior court, pursuant to the rules of procedure for special actions against the officer or public body.

A.R.S. § 39-121.02(A).

THE COURT FINDS that rather than seeking enforcement of his public records request in the context of his post-conviction proceedings, the defendant must avail himself of the enforcement mechanism provided by statute.

IT IS ORDERED denying the defendant’s Motion for Order Directing Maricopa County Attorney’s Office to Provide (1) an Update on the Status of the County Attorney’s File Material; and (2) Counsel with a Non-disclosure/Redaction Index; and Exhibits.

IT IS FURTHER ORDERED affirming the **Capital Case Petition for Post-Conviction Relief Review Hearing** on **JULY 25, 2016, at 9:00 a.m. time certain** before the HON. SAM J. MYERS, SCT 5A.